

HIGH COURT OF UTTARANCHAL AT NAINIAL.

Writ petition no. 1102 (S/S) 2006

Vimal Prakash Naithani
S/o late Sri Kishori Lal Naithani,
Resident of village & Post of Barawala,
Gram Sabha Arkendiagrant via Prem Nagar,
District Dehradun. -----Petitioner.

Versus

1. State of Uttaranchal through Education Secretary,
Dehradun district Dehradun,
2. Director of Education Dehradun,
District Dehradun,
3. Regional Joint Director of Education,
Kumoun Mandal, Nainital,
District Nainital. -----Respondents.

Mr. Rakesh Thapaliyal, learned counsel for the petitioner.
Learned Standing Counsel for respondents/state.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rakesh Thapaliyal, learned counsel for the petitioner and learned Standing Counsel for the State/ respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

- i. Issue a writ, order or direction in the nature of mandamus directing to the respondents either to appoint the petitioner on the post of Assistant Teacher (L.T. Grade) or to show case and to product the entire recode in respect to the said selection before this Hon'ble Court,

- ii. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper on the basis of the facts and circumstances of the case,
- iii. Award the cost of the petition to the petitioner.

Brief facts, as narrated in the writ petition, are that an employment notice no. 1 of 2004-05 was published in the daily Newspaper "Amar Ujala" on 22.10.2004 inviting applications from the suitable candidates for the post of Assistant Teacher L.T. Grade in various Govt. schools of Kumoun Division. In pursuance of the aforesaid advertisement, the petitioner who is eligible and fully qualified to be appointed on the post of Assistant Teacher L.T. Grade has also applied for. According to the petitioner, the last person who was selected for the post of Assistant Teacher L.T. Grade has obtained 56.49 quality point marks whereas; the petitioner was entitled to get 75.60 quality point marks as per his qualifications. But ignoring the quality point marks i.e. 57.60 for which the petitioner was entitled for, the petitioner has been deprived of being selected for the said post and the person having less quality point marks has been provided appointment on the post of Assistant Teacher L.T. Grade.

Keeping in view the facts aforesaid, without entering in to the merits of the case, the petitioner is directed to move a detailed representation to the respondent no. 3 annexing therewith all his educational qualifications and the of copy of receipt of the application sent by him to the authority concerned in pursuance of the advertisement, within a period of three weeks from today and the respondent no. 3 shall take decision on the representation of the petitioner by a speaking order within a

period of three weeks from the date of production of a certified copy of this order alongwith the representation.

With these directions, the writ petition is finally disposed of .

(M.M. Ghildiyal, J.)

August 11, 2006:

NCM: